

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER and SCIENCE ADMINISTRATION**

NOTICE OF TENTATIVE DETERMINATION AND PUBLIC HEARING

General Permit for DISCHARGES FROM THE APPLICATION OF PESTICIDES

The Department proposes to reissue the State/NPDES (National Pollution Discharge Elimination System) 11PE (NPDES No. MDG87) General Discharge Permit from the Application of Pesticides with the renewal designation of 17PE. The 17PE permit applies to discharges to Waters of this State from the application of biological pesticides, chemical pesticides that leave a residue, or colorants, when the application of pesticides or colorants is for Mosquito and Other Flying Insect Pest Control, Weed and Algae Control, Nuisance Animal Control or Forest Canopy Pest Control.

The permit requires specific control measures and limitations at the application area based on the pattern of discharge. When the permit is formally adopted, decision-makers currently covered by the 11PE permit and existing toxic material permits (TMPs) will have 6 months to file a notice of intent (NOI) with the Department to obtain coverage under the reissued permit, if the area of application is over specific size thresholds specified in the permit, or if it will potentially impact desirable species, or if it is for SAVs in tidal waters.

The proposed permit continues the 11PEs narrative standards which had been established for each specific type of discharge regulated, in addition to specific water quality based limits for copper based products. The permit also relies on protections provided under FIFRA (The Federal Insecticide, Fungicide, and Rodenticide Act), which are regulated in Maryland by the Maryland Department of Agriculture, including the licensing of applicators.

The permit also requires a Pesticide Discharge Management Plan (PDMP) for Large Entities. It contains reporting and record keeping requirements for both Decision-makers and Applicators including adverse incidents.

Significant Revisions:

1. Incorporated the requirements under COMAR 26.08.03.02 (TMP requirements), which provide for certain restrictions for “Use of Toxic Substances for Aquatic Life Management Purposes”.
2. Added requirements for both the Applicator and the Decision-maker regarding the use of products.
3. Added a definition and process for consideration of “Desirable Species” when issuing the permit registration.
4. Filing a Notice of Intent (NOI) is (a) required for the Decision-maker, replacing the process of filing the “Request to Use Toxic Substances for Aquatic Life Management Purposes”; and (b) based on several criteria, including size of the

- application area, type of Decision-maker, existence of Desirable Species in the application area and when treatment is for submerged aquatic vegetation (SAV) in tidal waters.
5. Copper limits have been modified to include an assurance plan and clarification on requirements for reservoirs vs smaller impoundments.
 6. MCL based limits are included for Aquathol (100 ug/l), Diquat (20 ug/l), Endothall (100 ug/l), 2,4-D (70 ug/l) and Glyphosate (700 ug/l), for use of products in waters that are potential sources of drinking water (classified as “-P”). For other pesticides with no MCL, the permittee must still consider limits based on human health standards. Operators with specific numeric limits are subject to electronic reporting.
 7. The permit provides an alternative to numeric limits when the registrant can verify that the application will not impact human health with a documented assurance plan.
 8. Added non-numeric limits for colorants which have the potential to impact receiving waters.
 9. Certain Large Entities will be required to send Annual Reports to the Department.
 10. Specific signage requirements are included in the permit consistent with state regulations and FIFRA labels.
 11. Certain information must be available from the Applicator in cases where the public makes requests.
 12. Appendix additions are provided for pesticide discharge evaluation, adverse incidents, annual reporting.
 13. Miscellaneous Changes - The permit also includes several clarifications on the types of eligible discharges authorized by the permit and updates various permit conditions, requirements to obtain coverage under an individual permit, as necessary; termination of coverage under a permit; continuation of an expired general permit; the definitions of relevant terms; facility operation and maintenance requirement; permit modification conditions; and civil penalties for violations of permit conditions.

The other requirements of the 17PE remain unchanged from the 11-PE.

The Department will hold a public hearing concerning the tentative determination on **November 21, 2019, from 10 a.m.-12 p.m., in the Terra/Aqua/Aeris Conference Rooms at the Maryland Department of the Environment, 1800 Washington Boulevard Baltimore, MD 21230.**

Any hearing impaired person may request an interpreter at the hearing by contacting Office of Fair Practices, at (410) 537-3964 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.

Written comments concerning the tentative determination will be considered in the preparation of a final determination if submitted to the Department at the hearing or to the address below, on or before **November 26, 2019**. The draft permit and fact sheet are

available on MDE's website, at <https://mdewwp.page.link/PEGP>, during the comment period. Any questions should be directed to **Maryland Department of the Environment, Water Management Administration, 1800 Washington Blvd., Ste. 455, Baltimore, MD 21230-1708, Attn: Paul Hlavinka, Industrial Permits Division**, at paul.hlavinka@maryland.gov, or by telephone at 410-537-3323 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Copies of the document may be obtained at a cost of \$0.36 per page.

Publication Dates: To be published during the weeks of October 11, 2019 and October 17, 2019 in newspapers across the state of Maryland and in the Maryland Register (October 11th only).